

APPEAL,JFA

**U.S. District Court  
District of Wyoming (Casper)  
CRIMINAL DOCKET FOR CASE #: 1:18-cr-00167-ABJ-1  
*Internal Use Only***

Case title: USA v. Koch

Magistrate judge case number: 1:18-mj-00086-ABJ

Date Filed: 11/15/2018

Date Terminated: 04/22/2019

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Assigned to: Honorable Alan B  
Johnson

Appeals court case number:  
19-8034

**Defendant (1)**

**Daniel Aaron Koch**  
*TERMINATED: 04/22/2019*

represented by **Dean Sanderford**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Federal Public Defender*

**Pending Counts**

18 U.S.C. §§ 2252A(a)(5) and  
(b)(2) (Possession of Child  
Pornography)  
(1)

18 U.S.C. §§ 2252A(a)(2)(A) and  
(b)(1)(Attempted Receipt of Child  
Pornography)

**Disposition**

Count 1 dismissed by oral motion of the  
government

Defendant sentence to 240 months imprisonment;  
10 years supervised release; \$100 special  
assessment; \$14,000 restitution

(2)

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition****Highest Offense Level  
(Terminated)**

None

**Complaints****Disposition**

Ct: 1 18 U.S.C. §§ 2252A(a)(5) and  
(b)(2) (Possession of Child  
Pornography) and Ct: 2 18 U.S.C.  
§§ 2252A(a)(2)(A) and  
(b)(1) (Attempted Receipt of Child  
Pornography)

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**Plaintiff**

USA

represented by **Stephanie Hambrick**  
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*Designation: United States Attorney*

Date Filed	#	Page	Docket Text
10/12/2018	<u>1</u>		

		COMPLAINT as to Daniel Aaron Koch (1). (Court Staff, skb) [1:18-mj-00086-ABJ] (Entered: 10/12/2018)
10/12/2018	<u>2</u>	Warrant Issued as to Daniel Aaron Koch. (Court Staff, skb) [1:18-mj-00086-ABJ] (Entered: 10/12/2018)
10/12/2018	<u>3</u>	MOTION for Detention Hearing by USA as to Defendant(s) Daniel Aaron Koch. (Court Staff, skb) [1:18-mj-00086-ABJ] (Entered: 10/12/2018)
10/12/2018	<u>4</u>	Warrant Returned Executed on 10-12-18 in case as to Daniel Aaron Koch. (Court Staff, skb) [1:18-mj-00086-ABJ] (Entered: 10/12/2018)
10/12/2018	<u>5</u>	NOTICE OF HEARING as to Daniel Aaron Koch, <b>Initial Appearance set for 10/15/2018 at 02:00 PM in Casper Courtroom No. 1 (Room No. 106) before Honorable R Michael Shickich.</b> (Court Staff, skb) [1:18-mj-00086-ABJ] (Entered: 10/12/2018)
10/15/2018	<u>6</u>	NOTICE OF HEARING as to Daniel Aaron Koch, <b>Initial Appearance RESET for 10/16/2018 at 02:00 PM in Casper Courtroom No. 1 (Room No. 106) before Honorable R Michael Shickich.</b> (Court Staff, skb) [1:18-mj-00086-ABJ] (Entered: 10/15/2018)
10/16/2018	<u>7</u>	Minute Entry: Initial Appearance as to Daniel Aaron Koch held on 10/16/2018. ***Location start/Procedural Interval start as to Daniel Aaron Koch. Proceedings held before Honorable R Michael Shickich. (Court Reporter FTR.) (Court Staff, skb) [1:18-mj-00086-ABJ] (Entered: 10/16/2018)
10/16/2018	<u>8</u>	NON-PUBLIC DOCUMENT pursuant to the Judicial Conference Policy on Privacy and Public Access – CJA 23 Financial Affidavit by Daniel Aaron Koch. (Court Staff, skb) [1:18-mj-00086-ABJ] (Entered: 10/16/2018)
10/16/2018	<u>9</u>	ORDER OF TEMPORARY DETENTION PENDING HEARING PURSUANT TO BAIL REFORM ACT as to Daniel Aaron Koch by the Honorable R Michael Shickich. (Court Staff, skb) [1:18-mj-00086-ABJ] (Entered: 10/16/2018)
10/16/2018	<u>10</u>	NOTICE OF HEARING as to Daniel Aaron Koch, <b>Detention/Preliminary Examination set for 10/19/2018 at 01:00 PM in Casper Courtroom No. 1 (Room No. 106) before Honorable R Michael Shickich.</b> (Court Staff, skb) [1:18-mj-00086-ABJ] (Entered: 10/16/2018)
10/17/2018	<u>11</u>	NOTICE OF HEARING as to Daniel Aaron Koch, <b>Preliminary/Detention Hearing RESET for 10/19/2018 at 09:30 AM in Cheyenne Courtroom No. 2 (Room No. 2116) before Honorable Scott W Skavdahl.</b> (Court Staff, skb) [1:18-mj-00086-ABJ] (Entered: 10/17/2018)
10/18/2018	<u>12</u>	NOTICE OF ATTORNEY APPEARANCE: Tracy Racicot Hucke appearing for defendant Daniel Aaron Koch (Hucke, Tracy) [1:18-mj-00086-ABJ] (Entered: 10/18/2018)
10/18/2018	<u>13</u>	NOTICE RESETTING HEARING as to Daniel Aaron Koch, <b>Preliminary/Detention Hearing reset from 10/19/2018 09:30 AM in Cheyenne Courtroom No. 2 before Honorable Scott W. Skavdahl to 10/19/2018 09:00 AM in Cheyenne Courtroom No. 3 (Room No. 2104) before Honorable Kelly H. Rankin.</b> (Court Staff, szf) [1:18-mj-00086-ABJ] (Entered: 10/18/2018)

10/18/2018	<u>14</u>	SEALED DOCUMENT – PRETRIAL SERVICES BOND REPORT as to Daniel Aaron Koch. Access granted to: Stephanie Hambrick, Tracy Racicot Huckle. (ssandoval, ) [1:18–mj–00086–ABJ] (Entered: 10/18/2018)
10/19/2018	<u>15</u>	Minute Entry: Preliminary/Detention Hearing as to Daniel Aaron Koch held on 10/19/2018. Defendant waived Preliminary Hearing, detained. Proceedings held before Honorable Kelly H. Rankin. (Tape #FTR Touch Courtroom No. 3.) (Court Staff, szf) [1:18–mj–00086–ABJ] (Entered: 10/19/2018)
10/19/2018	<u>16</u>	WAIVER of Preliminary Examination or Hearing by defendant Daniel Aaron Koch (Court Staff, szf) [1:18–mj–00086–ABJ] (Entered: 10/19/2018)
10/19/2018	<u>17</u>	ORDER OF DETENTION as to Daniel Aaron Koch by the Honorable Kelly H. Rankin.(Court Staff, szf) [1:18–mj–00086–ABJ] (Entered: 10/19/2018)
10/19/2018	<u>18</u>	Warrant Returned Executed on October 16, 2018 in case as to Daniel Aaron Koch. (Court Staff, szf) [1:18–mj–00086–ABJ] (Entered: 10/19/2018)
11/15/2018	<u>19</u>	INDICTMENT as to Daniel Aaron Koch (1) count(s) 1, 2. (Court Staff, stbd) (Entered: 11/15/2018)
11/15/2018	<u>20</u>	Praecipe for Warrant by Plaintiff USA as to Defendant(s) Daniel Aaron Koch. (Court Staff, stbd) (Entered: 11/15/2018)
11/15/2018	<u>21</u>	Warrant Issued as to Daniel Aaron Koch. (Court Staff, stbd) (Entered: 11/15/2018)
11/16/2018	<u>22</u>	NOTICE OF HEARING as to Daniel Aaron Koch, <b>Initial Appearance/Arraignment set for 11/19/2018 09:00 AM in Cheyenne Courtroom No. 3 (Room No. 2104) before Honorable Kelly H. Rankin.</b> (Court Staff, szf) (Entered: 11/16/2018)
11/19/2018	<u>23</u>	Minute Entry: Initial Appearance/Arraignment as to Daniel Aaron Koch (1) Count 1,2 held on 11/19/2018. Defendant pled not guilty, detained. Speedy trial is calculated as January 10, 2019. Proceedings held before Honorable Kelly H. Rankin. (Court Reporter Jan Davis.) (Court Staff, szf) (Entered: 11/19/2018)
11/19/2018	<u>24</u>	NOTICE OF HEARING as to Daniel Aaron Koch, <b>Jury Trial set for 1/7/2019 01:30 PM in Cheyenne Courtroom No. 2 (Room No. 2116) before Honorable Alan B. Johnson.</b> (Court Staff, szf) (Entered: 11/19/2018)
11/19/2018	<u>25</u>	ORDER for Discovery as to Daniel Aaron Koch. Plea Agreement shall be filed with the Court no later than seven (7) days prior to trial by the Honorable Kelly H. Rankin.(Court Staff, szf) (Entered: 11/19/2018)
11/19/2018	<u>26</u>	ORDER for Grand Jury Transcripts as to Daniel Aaron Koch by the Honorable Kelly H. Rankin.(Court Staff, szf) (Entered: 11/19/2018)
11/19/2018	<u>27</u>	Warrant Returned Executed on 11/19/2018 in case as to Daniel Aaron Koch (Court Staff, sbh) (Entered: 11/19/2018)
11/26/2018	<u>28</u>	NOTICE OF INTENT TO OFFER EXPERT TESTIMONY by USA as to defendant Daniel Aaron Koch. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Hambrick, Stephanie) (Entered: 11/26/2018)
12/21/2018	<u>29</u>	NOTICE OF HEARING as to Daniel Aaron Koch: <b>Change of Plea Hearing set for 12/28/2018 at 9:30 AM in Cheyenne Courtroom No. 2 (Room No.</b>

		<b>2116) before Honorable Alan B Johnson</b> (Court Staff, sbh) (Entered: 12/21/2018)
12/26/2018	<u>30</u>	NON-PUBLIC DOCUMENT pursuant to the Judicial Conference Policy on Privacy and Public Access –NOTICE OF GOVERNMENT'S INTENTION TO OFFER EVIDENCE PURSUANT TO RULE 414, Federal Rule of Evidence by USA as to defendant Daniel Aaron Koch (Attachments: # <u>1</u> Exhibit A)(Hambrick, Stephanie)Text/Security Modified on 12/26/2018 (Court Staff, ssw). (Entered: 12/26/2018)
12/27/2018	<u>31</u>	Joint MOTION for Ends of Justice Continuance and to Exclude Time from Speedy Trial Act Time Limits by Defendant Daniel Aaron Koch. (Attachments: # <u>1</u> Proposed Order)(Hucke, Tracy) Text Modified on 12/28/2018 (Court Staff, ssw). (Entered: 12/27/2018)
12/28/2018	<u>32</u>	Minute Entry: Change of Plea hearing converted to Motion Hearing as to Daniel Aaron Koch held on 12/28/2018 re <u>31</u> Joint MOTION to Continue Ends of Justice Continuance and to Exclude Time from Speedy Trial Act Time Limits. Written Order to enter. Proceedings held before Honorable Alan B Johnson. (Court Reporter Jan Davis.) (Court Staff, ssw) (Entered: 12/28/2018)
12/28/2018	<u>33</u>	ORDER granting <u>31</u> Motion for Ends of Justice Continuance and to Exclude Time from Speedy Trial Act Time Limits as to Daniel Aaron Koch (1) by the Honorable Alan B Johnson. Government's Expert Witness Designation Deadline is 1/15/19; Defense Expert Witness Designation Deadline is 2/1/19; Dispositive Motions Deadline 2/1/19; Response to Dispositive Motions 2/8/19; Joint Status Report due by 1/28/19; Plea Agreement deadline 2/1/19; Jury Trial continued to 3/4/19 at 1:30 pm. It is ordered that this time is excluded from the Speedy Trial Act calculation. (Court Staff, ssw) (Entered: 12/28/2018)
12/28/2018		Set Deadlines as to Daniel Aaron Koch: Plea Agreement due by 2/1/2019. Joint Status Report due by 1/28/2019. (Court Staff, ssw) (Entered: 12/28/2018)
12/28/2018	<u>34</u>	NOTICE RESETTING HEARING as to Daniel Aaron Koch: <b>Jury Trial reset for 3/4/2019 at 1:30 PM in Cheyenne Courtroom No. 2 (Room No. 2116) before Honorable Alan B Johnson.</b> (Court Staff, ssw) (Entered: 12/28/2018)
01/28/2019	<u>35</u>	STATUS REPORT by USA as to defendant Daniel Aaron Koch (Hambrick, Stephanie) (Entered: 01/28/2019)
02/01/2019	<u>36</u>	MOTION to Continue Plea Agreement Deadline by Defendant(s) Daniel Aaron Koch. (Attachments: # <u>1</u> Proposed Order)(Hucke, Tracy) (Entered: 02/01/2019)
02/04/2019	<u>37</u>	ORDER granting <u>36</u> Motion to Continue Plea Agreement Deadline as to Daniel Aaron Koch (1) by the Honorable Alan B. Johnson. Plea Agreement deadline extended to 2/8/19. (Court Staff, sbh) (Entered: 02/04/2019)
02/07/2019	<u>38</u>	EX PARTE/NON-PUBLIC DOCUMENT pursuant to the Judicial Conference Policy on Privacy and Public Access – PLEA AGREEMENT as to Daniel Aaron Koch (Court Staff, sbh) (Entered: 02/07/2019)
02/08/2019	<u>39</u>	NOTICE OF HEARING as to Daniel Aaron Koch: <b>Change of Plea Hearing set for 2/14/2019 at 11:00 AM in Cheyenne Courtroom No. 2 (Room No. 2116) before Honorable Alan B. Johnson</b> (Court Staff, sbh) (Entered: 02/08/2019)

02/13/2019	<u>40</u>	<b>EX-PARTE/NON-PUBLIC DOCUMENT</b> pursuant to the Judicial Conference Policy on Privacy and Public Access – PROSECUTOR'S STATEMENT filed by USA as to Plaintiff USA (Hambrick, Stephanie) Modified text on 2/22/2019 (Court Staff, sbh). (Entered: 02/13/2019)
02/14/2019	<u>41</u>	Minute Entry: Change of Plea Hearing as to Daniel Aaron Koch. Guilty plea entered as to Count 2. Proceedings held before Honorable Alan B. Johnson. (Court Reporter: Monique Gentry) (Court Staff, sbh) (Entered: 02/14/2019)
02/14/2019	<u>42</u>	NOTICE OF HEARING as to Daniel Aaron Koch: <b>Sentencing set for 4/25/2019 at 9:30 AM in Cheyenne Courtroom No. 2 (Room No. 2116) before Honorable Alan B. Johnson</b> (Jury trial vacated) (Court Staff, sbh) (Entered: 02/14/2019)
03/15/2019	<u>43</u>	NOTICE RESETTING HEARING as to Daniel Aaron Koch: <b>Sentencing reset for 4/22/2019 at 9:30 AM in Cheyenne Courtroom No. 2 (Room No. 2116) before Honorable Alan B. Johnson</b> (Court Staff, sbh) (Entered: 03/15/2019)
03/21/2019	<u>44</u>	SEALED DOCUMENT – PRESENTENCE REPORT as to Daniel Aaron Koch. Access granted to: Stephanie Hambrick, Tracy Racicot Huckle. Last day to file response to PSR is 4/8/2019. (scanada, ) (Entered: 03/21/2019)
03/21/2019	<u>45</u>	SEALED DOCUMENT – PRESENTENCE REPORT RECOMMENDATIONS as to Daniel Aaron Koch Access granted to: No Outside Users. (scanada, ) (Entered: 03/21/2019)
04/04/2019	46	EX-PARTE DOCUMENT – OBJECTIONS/RESPONSES TO PRESENTENCE INVESTIGATION REPORT as to defendant Daniel Aaron Koch. <b>NO OBJECTIONS SUBMITTED.</b> (Hambrick, Stephanie) (Entered: 04/04/2019)
04/08/2019	<u>47</u>	EX-PARTE DOCUMENT – OBJECTIONS/RESPONSES TO PRESENTENCE INVESTIGATION REPORT as to defendant Daniel Aaron Koch. (Huckle, Tracy) (Entered: 04/08/2019)
04/09/2019	<u>48</u>	NOTICE OF ATTORNEY APPEARANCE: TJ Forwood appearing for USA (Forwood, Timothy) (Entered: 04/09/2019)
04/09/2019	<u>49</u>	SEALED DOCUMENT – ADDENDUM TO PRESENTENCE REPORT as to Daniel Aaron Koch Access granted to: Stephanie Hambrick, Tracy Racicot Huckle. (scanada, ) (Entered: 04/09/2019)
04/09/2019	<u>50</u>	SEALED DOCUMENT – REVISED PRESENTENCE REPORT as to Daniel Aaron Koch Access granted to: Timothy J Forwood, Stephanie Hambrick, Tracy Racicot Huckle. (scanada, ) (Entered: 04/09/2019)
04/21/2019	<u>51</u>	<b>EX PARTE/NON-PUBLIC DOCUMENT</b> pursuant to the Judicial Conference Policy on Privacy and Public Access – SENTENCING MEMORANDUM as to defendant Daniel Aaron Koch (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Huckle, Tracy) (Entered: 04/21/2019)
04/22/2019	<u>52</u>	Minute Entry: Sentencing held on 4/22/2019 for Daniel Aaron Koch (1), Count 1 dismissed by oral motion of the government; Count(s) 2, Defendant sentence to 240 months imprisonment; 10 years supervised release; \$100 special assessment; \$14,000 restitution. Proceedings held before Honorable Alan B Johnson. (Court Reporter Monique Gentry.) (Court Staff, ssw) Text Modified



			on 4/22/2019 (Court Staff, ssw). (Entered: 04/22/2019)
04/23/2019	<u>53</u>		<b>JUDGMENT and COMMITMENT as to Daniel Aaron Koch (1), Count 1 dismissed by oral motion of the government; Count 2, Defendant sentence to 240 months imprisonment; 10 years supervised release; \$100 special assessment; \$14,000 restitution</b> by the Honorable Alan B Johnson.(Court Staff, ssw) Text Modified on 4/23/2019 (Court Staff, ssw). (Entered: 04/23/2019)
05/03/2019	<u>54</u>		NOTICE OF APPEAL by defendant Daniel Aaron Koch re <u>53</u> Judgment, ; (Hucke, Tracy) (Entered: 05/03/2019)
05/06/2019	<u>55</u>		Preliminary Record of appeal sent to USCA and counsel as to Daniel Aaron Koch re <u>54</u> Notice of Appeal <b>The procedures and appeals packet may be obtained from our website at <a href="http://www.wyd.uscourts.gov">www.wyd.uscourts.gov</a></b> (Attachments: # <u>1</u> Preliminary Record on Appeal Including Notice of Appeal) (Court Staff, ssw) (Entered: 05/06/2019)
05/06/2019	<u>56</u>		APPEAL NUMBER <b>19-8034</b> received from USCA as to Daniel Aaron Koch for <u>54</u> Notice of Appeal filed by Daniel Aaron Koch. Criminal case docketed. Preliminary record filed. DATE RECEIVED: 05/06/2019. Docketing statement due 05/20/2019 for Daniel Aaron Koch. Notice of appearance due on 05/20/2019 for Daniel Aaron Koch and United States of America. Appellant's designation of record due 05/20/2019 for Daniel Aaron Koch. Transcript order form due 05/20/2019 for Daniel Aaron Koch. Appointment motion due 05/20/2019 by Daniel Aaron Koch [19-8034] (Court Staff, ssw) (Entered: 05/06/2019)
05/20/2019	<u>57</u>		DESIGNATION OF RECORD ON APPEAL by defendant Daniel Aaron Koch re <u>54</u> Notice of Appeal (Attachments: # <u>1</u> Docket Sheet) (Sanderford, Dean) (Entered: 05/20/2019)
05/20/2019	<u>58</u>		TRANSCRIPT REQUEST (Transcripts Needed) by defendant Daniel Aaron Koch re <u>54</u> Notice of Appeal. (Sanderford, Dean) (Entered: 05/20/2019)
05/20/2019	59		APPEAL MINUTE ORDER from USCA as to Daniel Aaron Koch re <u>54</u> Notice of Appeal. Transcript order form due 06/03/2019 for Monique Gentry (change of plea, sentencing). (Text Only – No Attachment) [19-8034] (Court Staff, ssw) (Entered: 05/20/2019)
06/03/2019	<u>60</u>		TRANSCRIPT ORDER FORM by court reporter Monique Gentry, phone (307) 274-4661 or email mkg.gentry@gmail.com. Transcripts due 06/23/19. (Gentry, Monique) (Entered: 06/03/2019)
06/24/2019	<u>61</u>	9	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Change of Plea as to Daniel Aaron Koch held on 02/14/2019 before Judge Alan B. Johnson re <u>54</u> Notice of Appeal. To purchase a copy of this transcript, please contact Court Reporter Monique Gentry, phone (307) 274-4661 or email mkg.gentry@gmail.com. A party must file a Notice of Intent to Request Redaction within 7 calendar days. If a party fails to request redaction, the unredacted transcript attached to this entry will be made available electronically without redaction. Notice of Intent to Redact due 7/1/2019. Notice of Redaction Request due 7/15/2019. Redacted Transcript Deadline set for 7/25/2019. Release of Transcript Restriction set for 9/23/2019. (Gentry, Monique) (Entered: 06/24/2019)

06/24/2019	<u>62</u>	39	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Sentencing as to Daniel Aaron Koch held on 4/22/2019 before Judge Alan B. Johnson re <u>54</u> Notice of Appeal. To purchase a copy of this transcript, please contact Court Reporter Monique Gentry, phone (307) 274-4661 or email mkg.gentry@gmail.com. A party must file a Notice of Intent to Request Redaction within 7 calendar days. If a party fails to request redaction, the unredacted transcript attached to this entry will be made available electronically without redaction. Notice of Intent to Redact due 7/1/2019. Notice of Redaction Request due 7/15/2019. Redacted Transcript Deadline set for 7/25/2019. Release of Transcript Restriction set for 9/23/2019. (Gentry, Monique) (Entered: 06/24/2019)
06/24/2019	<u>63</u>		Transcript Letter transmitted to USCA re <u>54</u> Notice of Appeal. All transcripts that have been ordered from this reporter for this appeal are now filed with the United States District Court, District of Wyoming. (Gentry, Monique) (Entered: 06/24/2019)
06/24/2019	64		Appeal Remark re <u>54</u> Notice of Appeal. <b>Record on appeal/Notice due 7/15/2019</b> (Court Staff, ssw) (Entered: 06/24/2019)



1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF WYOMING

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3 UNITED STATES OF AMERICA, DOCKET NO. 18-CR-167-J

4 Plaintiff, Cheyenne, Wyoming  
5 vs. February 14, 2019  
11:12 a.m.

6 DANIEL AARON KOCH,

7 Defendant.

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8 TRANSCRIPT OF CHANGE OF PLEA PROCEEDINGS

9 BEFORE THE HONORABLE ALAN B. JOHNSON  
10 UNITED STATES DISTRICT JUDGE

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11 APPEARANCES:

12 For the Plaintiff: Stephanie A. Hambrick  
13 Assistant United States Attorney  
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P.O. Box 22211  
14 Casper, Wyoming 82602

15 For the Defendant: TRACY RACICOT HUCKE  
16 Federal Public Defender's Office  
214 West Lincolnway, Suite 31-A  
17 Cheyenne, Wyoming 82001

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19  
20  
21  
22 Court Reporter: Monique Gentry, RPR, CSR  
23 2120 Capitol Avenue, Room 2226  
Cheyenne, WY 82001  
24 (307)274-4661/mkg.gentry@gmail.com

25 *Proceedings recorded by stenography; transcript produced with  
computer-aided transcription.*

MONIQUE GENTRY, RPR, CSR

mkg.gentry@gmail.com

1 (Proceedings commenced February 14, 2019; 11:12 a.m.)

2 THE COURT: Thank you. Please, be seated. The  
3 matter for hearing today is a change of plea in the case of  
4 the United States of America plaintiff against Daniel Aaron  
5 Koch. This matter comes before the Court under Criminal Case  
6 No. 18-CR-00167. Representing the Government today is United  
7 States Attorney Stephanie Hambrick. The defendant is  
8 represented here by Tracy Racicot Hucke, Federal Public  
9 Defender for the District of Wyoming. The defendant is present  
10 in person today.

11 Is the Government ready to proceed?

12 MS. HAMBRICK: Yes, Your Honor.

13 THE COURT: Ms. Hambrick, we will turn it over to  
14 you.

15 MS. HAMBRICK: Thank you, Your Honor. We do come  
16 before the Court today with a plea agreement in this case.  
17 The agreement is that the defendant will be pleading guilty  
18 to Count 2 of the indictment. Count 2 alleges receipt and  
19 attempted receipt of child pornography in violation of 18  
20 United States Code subsections 2252A(a)(2)(A) and (b)(1).

21 The minimum punishment is not less than 15 years, and  
22 the maximum punishment is not more than 40 years; a maximum  
23 fine of \$250,000; a five-year to life term of supervised  
24 release; a \$100 special assessment; a \$5,000 special assessment  
25 to the Victims of Sex Trafficking Act of 2015; and if

1 applicable, restitution.

2 The agreement in this case is pretty basic, Your  
3 Honor. He will be pleading to that count. The Government has  
4 agreed it will make a recommendation within the calculated  
5 guideline range whatever that turns out to be, but is not  
6 limited to where in that range a recommendation may be made.  
7 And the defendant is free to ask for any sentence that is  
8 appropriate, but, obviously, there is the 15-year mandatory  
9 minimum sentence.

10 At the time of sentencing, if the Court accepts the  
11 agreement and the plea, the Government will be moving to  
12 dismiss Count 1, which is the possession of child pornography  
13 count.

14 The other thing I wanted to make clear, Your Honor,  
15 in this case, during the investigation of this case,  
16 investigators uncovered what they thought were messages between  
17 the defendant and an under age individual in Campbell County,  
18 Wyoming. They were actually able to identify that girl who  
19 provided information to them about what she said was a sexual  
20 relationship she had with the defendant when she was 16 years  
21 old in 2016 and 2017.

22 Part of the information she provided was that he did  
23 ask her for explicit images that may be considered child  
24 pornography, and she did send them to him in 2016 and 2017. We  
25 had discussed with the prosecutor in Campbell County some kind

1 of agreement in our case that maybe would encompass that case,  
2 and they would agree not to prosecute for that victim. We did  
3 not reach that kind of an agreement, Your Honor. So what he  
4 is pleading to here today is just these federal charges, and  
5 they will not effect any potential charges the state may still  
6 file for that relationship or any images regarding that victim  
7 that were sent or received back in 2016 and 2017.

8 The receipt and attempted receipt in this case  
9 occurred in September of 2018, and that was through  
10 peer-to-peer software. It was not from particular underaged  
11 victim themselves, so I just want it to be clear on the record  
12 the state will be free to pursue prosecution regarding that  
13 victim if they choose to do so.

14 THE COURT: Very well. As I recall, we delayed  
15 acting on this case -- continued this case pending those  
16 discussions?

17 MS. HAMBRICK: That's correct, Your Honor. We had  
18 multiple discussions and sent back and forth multiple versions  
19 of a plea agreement, but ultimately we were not able to reach  
20 one that resolved those state charges, as well.

21 THE COURT: Very well.

22 Ms. Hucke, would you come forward with your client.

23 Mr. Koch, would you raise your right hand and be  
24 sworn.

25

1 (Defendant was sworn.)

2 THE COURT: Mr. Koch, you have just taken an oath to  
3 speak truthfully to the court. If you answer any of my  
4 questions falsely, your answers could be used against you in a  
5 further prosecution for perjury. Do you understand?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: This is a critical stage of the  
8 proceedings against you. It is important that you understand  
9 what is happening. And if you don't understand my remarks or  
10 for some reason what I say is obscure to you, you should feel  
11 free to interrupt and ask questions. You may step aside and  
12 speak to her privately. Is that agreeable?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Very well. There will come a time during  
15 these proceedings when I will be asking questions that will  
16 touch upon your answers in effect under oath will touch upon  
17 the conduct in this matter, and ultimately, lead to a finding  
18 as anticipated in this matter of guilt. So you, in fact, will  
19 implicate yourself and inculcate yourself in the crime charged.  
20 Are you prepared to do that?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Very well. We'll proceed.

23 Please, state your full name.

24 THE DEFENDANT: Daniel Aaron Koch.

25 THE COURT: And your age, Mr. Koch?

1 THE DEFENDANT: Forty-two.

2 THE COURT: Tell me about your education.

3 THE DEFENDANT: Highest grade completed was  
4 associates degree through Ball State University. I have had  
5 some postgraduate work for -- towards by bachelor's with  
6 Indiana Purdue University, Fort Wayne. Graduated high school  
7 in 1994 and have some vocational training through IV Tech.

8 THE COURT: And tell me what kind of work you have  
9 done in the past?

10 THE DEFENDANT: I have been mostly employed as a cook  
11 or short-order cook, line cook, trainer for various restaurants  
12 in the Fort Wayne, Indiana area. I have -- since moving to  
13 Wyoming, I have been employed as a construction worker or  
14 general labor.

15 THE COURT: Any particular occupational interest that  
16 you have that you would like to pursue?

17 THE DEFENDANT: My main interest with the bachelor's  
18 degree from Indiana was for computer science.

19 THE COURT: All right. Born in the United States?

20 THE DEFENDANT: Yes, sir, here in Casper.

21 THE COURT: So far as you know, are you presently  
22 suffering from any physical or mental problem that would effect  
23 your understanding of what is happening here today?

24 THE DEFENDANT: No, Your Honor.

25 THE COURT: Are you under the influence of any

1 alcohol, pill or medication of any kind?

2 THE DEFENDANT: Just the Lisinopril I took this  
3 morning for heart -- blood pressure, but that shouldn't affect  
4 my understanding.

5 THE COURT: You do have a high blood pressure  
6 problem?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Do you have any history of alcoholism or  
9 drug addiction?

10 THE DEFENDANT: No, Your Honor.

11 THE COURT: Ms. Huckle, do you have any concerns about  
12 the competency of your client to proceed in this matter?

13 MS. HUCKE: No, Your Honor.

14 THE COURT: Very well.

15 Have you received a copy of the indictment in your  
16 case?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: And have you had ample opportunity to  
19 discuss your case in general with Ms. Huckle?

20 THE DEFENDANT: Yes, I have, Your Honor.

21 THE COURT: And you are satisfied with her  
22 representation of you so far?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: I also have a copy of the plea agreement  
25 that appears to have been signed on the back page of the plea



1 agreement. Did you sign it?

2 THE DEFENDANT: Yes, I did, Your Honor.

3 THE COURT: Did you have ample opportunity to read  
4 and discuss the plea agreement with your attorney before you  
5 signed it?

6 THE DEFENDANT: Yes, I did.

7 THE COURT: So as far as you know, does the plea  
8 agreement contain the complete understanding and the agreement  
9 that you have with the Government?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: You understand the plea agreement?

12 THE DEFENDANT: Yes, I do, Your Honor.

13 THE COURT: Did anyone cause you to sign it by  
14 threats, coercion or violence against you or those close?

15 THE DEFENDANT: No, Your Honor.

16 THE COURT: As I understand it, you have family who  
17 live in Wyoming?

18 THE DEFENDANT: I lot of family, Your Honor.

19 THE COURT: Have any promises been made to you that  
20 are not contained in the plea agreement?

21 THE DEFENDANT: No, Your Honor.

22 THE COURT: So this represents your understanding  
23 with the Government?

24 THE DEFENDANT: Yes, that is the sum total of my  
25 understanding with the Government.

1 THE COURT: Very well.

2 The plea agreement is treated by the Court as a  
3 recommendation that comes from both sides of the case. As  
4 such, it certainly has force and effect; however, I do note  
5 looking at another document that is the prosecutor's statement  
6 that was furnished to the court today, I am not sure you have  
7 seen that. I am sure Ms. Hucke has seen it, but it does  
8 contain an estimate that was prepared by Ms. Hambrick anyway of  
9 the guideline application that she believes may apply in your  
10 case.

11 I would note that I see one further difference in it  
12 from the guideline application that probably would be prepared  
13 by the probation officer in this case. She has noted a base  
14 offense level of 22; that would be increased by two for the  
15 fact that the images represented prepubescent minors; that  
16 there was distribution, another two levels would be added;  
17 because there were infants and toddlers for trade four levels  
18 added; because there was a pattern of behavior that will be  
19 continued, and because -- five levels are added -- six levels;  
20 another five levels are added because there are 600 images  
21 counting for each video a number of images. I think 75 images  
22 for each video, and an additional two levels for use of a  
23 computer. Typically, the judges of this district do not apply  
24 those two levels, because in every one of these cases, there is  
25 nothing unusual about a computer being used. Computers are

1 what is used in every one of these offenses that we see. It is  
2 rare that there is not a computer. Many, many years ago, these  
3 cases were investigated not by authorities who were trained in  
4 computer use, but were investigated by the United States Postal  
5 Inspector, which tells you when the start was.

6 Because you plan to accept responsibility, three  
7 levels would be subtracted leaving a total offense level of  
8 39. If you would subtract the use of a computer, it will be  
9 37. It is anticipated because of your criminal history, you  
10 would fall in Criminal History Category II, which creates a  
11 guideline range of 235 to 293 months. Is that what you have  
12 been told?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: That's a lengthy sentence.

15 Mr. Koch, the Court is not under any obligation to  
16 apply any particular sentence with regard to your case. And if  
17 the sentence that I impose is greater than any that you think  
18 you should receive in this matter or that you are likely to  
19 receive, you would not be allowed to withdraw a voluntarily  
20 plea of guilty simply because you don't like the sentence that  
21 is imposed. Do you understand that?

22 THE DEFENDANT: I understand that, Your Honor.

23 THE COURT: All right. Has anyone attempted in any  
24 way to force you to plead guilty by threats, coercion or  
25 violence against you or those close?

1 THE DEFENDANT: No, Your Honor.

2 THE COURT: Other than the plea agreement in this  
3 matter, have any promises of special leniency, favor or benefit  
4 been made to you to induce you to plead guilty?

5 THE DEFENDANT: No, Your Honor.

6 THE COURT: Will you be pleading guilty because you  
7 are, in fact, guilty?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: As I understand it, this is the second  
10 felony offense. You are yet a relatively young man. And even  
11 with the lengthy prison sentence that it seems to me is likely  
12 in this case, there will come a time when you will be released  
13 on supervised release by this -- pursuant to the sentence  
14 imposed that would be supervision by a United States Probation  
15 Officer.

16 You will be a convicted felon at that time. And if  
17 your plea is accepted, and you are adjudged guilty of the  
18 offense charged here, that adjudication may deprive you of  
19 valuable civil rights: right to vote, right to seek and hold  
20 public office, right to serve as a juror in judgment of your  
21 fellow man or perform government service. And most  
22 importantly, the right to possess any kind of firearm,  
23 ammunition or explosive device. In Wyoming, firearms and  
24 ammunition are problems for people. And despite any advice I  
25 give, we continually see people who are arrested for

1 possession. It is quickest way back into federal prison. I  
2 can tell you those are easy cases to prove. Do you understand?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: I made reference here to what is called  
5 "supervised release," a period of supervision that would follow  
6 any imprisonment that the court might impose. And in your  
7 case, that term of supervision could be up to life. It will be  
8 not less than five years no more than life of supervision, and  
9 I think it is likely, it could be life.

10 The terms and conditions of that supervision which  
11 could be modified from time to time will be initially said at  
12 the time that you are sentenced, and they will involve such  
13 things as mandatory conditions of not violating the laws of the  
14 state locality where you may live or the federal laws; not  
15 using drugs or alcohol; certainly not using alcohol to excess.  
16 By law, those are things that Congress says the court needs to  
17 impose. There are a series of standard terms and conditions  
18 that are adopted by this court and were created by the  
19 sentencing authorities back in Washington D.C.

20 And, finally, there will be special conditions  
21 imposed by the court which are really aimed at and tailored  
22 hopefully in some measure to deal with your particular  
23 situation. Such a condition may include something like  
24 sex offender treatment, participation in a sex offender group  
25 or something of that nature. Registration undoubtedly pursuant

1 to state law wherever you may live, work or go to school.  
2 Maintaining current registration compliance with the Sex  
3 Offender Notification Act, SORNA, which requires you to  
4 register it is a federal law that carries a criminal penalty  
5 will be part of that, as well; like, there will be other  
6 conditions concerning thinking errors that maybe have affected  
7 your life. I don't know. I have suggested a few that  
8 conceivably could apply.

9 In addition, you need to know that if there is a  
10 violation -- if there are violations of your supervised  
11 release, and if they are significant, the probation officer who  
12 is really there not only to protect the public, but also to  
13 offer you some help with regard to these programs -- that  
14 probation officer can file a petition for an offender under  
15 supervision asking for your arrest. You would be brought back  
16 to the court. And after a hearing or hearings, the court would  
17 have authority in some circumstances without benefit of a jury  
18 trial to impose an additional prison sentence. Do you  
19 understand?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Certainly, not something we want to do,  
22 but we want people to succeed without further incidents in  
23 their life. I note that the maximum sentence in this case as  
24 set forth in the penalty summary that was attached to the  
25 indictment for Count 2, attempted receipt of child pornography,

1 in violation of a Title 18 United States Code Section  
2 2252A(a)(2)(a) subparagraph (b)(1), the maximum penalty is a  
3 sentence not less than of 15 years, so there is a minimum  
4 mandatory sentence of 15 years. And a sentence of not more  
5 than 40 years imprisonment, 40 years or 480 months. There  
6 would be a fine of up to \$250,000. I think it is highly  
7 unlikely that given other requirements that you would have a  
8 fine in this matter. There is a \$100 special assessment. That  
9 money is collected from you and goes into a fund of money  
10 administered by the Government for victims of crime. There is  
11 also a recently enacted law by Congress which is mandatory.  
12 There is a \$5,000 special assessment pursuant to the Victims of  
13 Sex Trafficking Act of 2015, and there is also -- and will be  
14 an issue concerning restitution to the specific victims who are  
15 represented in the images that were captured on your computer  
16 and electronic devices. Is that consistent with your  
17 understanding, as well?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Do you have any question that you would  
20 like to ask?

21 THE DEFENDANT: None come to mind, your Honor.

22 THE COURT: This would be a good time. If there are  
23 any questions about anything that I have said before that raise  
24 issues in your mind?

25 THE DEFENDANT: No.



1 THE COURT: Again, if you think of things as we go  
2 forward, please, interrupt me, so we can go back and talk about  
3 them. I am sure that Ms. Hucke has advised you of these things  
4 during your discussions with her?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Have you also discussed with her how the  
7 advisory sentencing guidelines might apply to your case?

8 THE DEFENDANT: At length, Your Honor.

9 THE COURT: Something totally different than anything  
10 you would happen back in Indiana.

11 THE DEFENDANT: It has been a much more different  
12 experience today this go round. Yeah.

13 THE COURT: Yeah. I want you to know that I am not  
14 able at this point to determine the advisory guideline range in  
15 your case; although, I suspect what I have told you so far is  
16 within reason; however, it will be the first order of business  
17 that we will engage in at the time that you appear before this  
18 court for sentencing; that will be to determine the advisory  
19 guideline range. I will have the benefit of a presentence  
20 investigation report that will be prepared in this case.

21 Present here today is Kris Danni, Senior United  
22 States Probation Officer for the District of Wyoming, who will  
23 be preparing that report and interviewing you and gathering  
24 information about you from other sources; probably law  
25 enforcement as well as criminal records and interviews with

1 family and others.

2 You will have the opportunity after that report is  
3 furnished to you through Ms. Hucke, she will assist you with  
4 any challenges to that report based upon the application of  
5 law, which she is well aware of, and you will provide to her  
6 any errors in that report that touch upon the facts that are  
7 reported in that report to make sure it is accurate.

8 I can tell you that Ms. Danni will change the report  
9 amend it, revise it, if necessary if she agrees to any  
10 challenges. On the other hand if she disagrees, she will  
11 explain why in an addendum which will come to me, and we will  
12 resolve those issues at your sentencing as a first order of  
13 business. Do you have any questions about that?

14 THE DEFENDANT: No, Your Honor.

15 THE COURT: Do you feel you understand?

16 THE DEFENDANT: Yes.

17 THE COURT: And I want to also advise you that after  
18 the initial guideline range has been determined by the court,  
19 the court does have authority in some circumstances to depart  
20 either to a greater sentence or a lesser sentence from the  
21 guideline range and will examine other sentencing factors under  
22 the law. Title 18 United States Code Section 3553(a) is that  
23 sentencing law. That may result in the imposition of a  
24 sentence that is either greater or less than the guideline, and  
25 the court may depart from the guideline and impose either a

1 greater or lesser sentence. Do you understand?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Now, what little information I have about  
4 your previous sentence in Indiana, it appears to me that you  
5 were paroled after about seven years?

6 THE DEFENDANT: A little less than that, Your Honor.

7 THE COURT: A little less. So you are familiar with  
8 what exists in most states. There is a parole board appointed  
9 by the governor usually who may meet with a prisoner or receive  
10 information about the prisoner from the prison authorities and  
11 set a release date.

12 THE DEFENDANT: Actually, Your Honor, Indiana uses  
13 presumptive sentencing, and there was no parole board in my  
14 case.

15 THE COURT: Okay. There is no parole board in the  
16 federal system either. It was abolished as part of the  
17 Sentencing Reform Act in 1984. The sentence to prison in this  
18 case will not result on any release on parole, rather the  
19 Bureau of Prisons administers a good time system that can  
20 result in a maximum of 54 days for each year you serve in  
21 prison of good time.

22 The average good time at this point, I think, I saw  
23 the other day is 41 days on average that is being awarded by  
24 the Bureau of Prisons. At any rate, all of that is out of my  
25 hands. It sits in the hands of the Bureau of Prisons. Do you

1 have any questions about departures and variances that may be  
2 imposed?

3 THE DEFENDANT: None, Your Honor.

4 THE COURT: I did not see a waiver of appeal in this  
5 matter in the plea agreement, so you have preserved your right  
6 to appeal this sentence if you feel that the court has acted  
7 contrary to the law and errors have occurred in your  
8 sentencing.

9 I will remind you that you are sentenced that you  
10 have 14 days within which to file a notice of appeal. If you  
11 decide to do that, the date begins to run from the date the  
12 judgment and commitment in your case is filed with the clerk's  
13 office. Something you really in that 14-day-period need to  
14 immediately start talking to your attorney to determine if it  
15 would be worthwhile. If for some reason she is not available  
16 or can't talk to you about it or assist you, you can ask the  
17 Clerk of Court's office to prepare a notice of appeal for you.  
18 They will send it to you. Just make sure you get it filed  
19 within that 14-day-period. That would start the appeal  
20 process. It is just that, a start, but it is an important  
21 start because if you fail to file the notice of appeal, it is  
22 likely that you could lose your appeal right. There are other  
23 dates that are calculated from that appeal time that could  
24 effect other rights that you have concerning the sentence that  
25 is imposed, so important. Any questions?

1 THE DEFENDANT: No, Your Honor.

2 THE COURT: So you understand so far?

3 THE DEFENDANT: Yes, sir, I believe I do.

4 THE COURT: All right. I know that Ms. Hucke has  
5 discussed with you your trial rights and you probably heard  
6 them elsewhere as well; however, it is necessary that I go  
7 through them again with you.

8 First, you have the right to plead not guilty to any  
9 offense charged against you and to persist in your plea of not  
10 guilty. When I say "persist," that is to maintain it, continue  
11 with it.

12 If that should occur, you would have the right to a  
13 jury trial which is scheduled, I think, for March 5th?

14 THE DEFENDANT: March 4th, Your Honor.

15 THE COURT: Yeah. All right. That would be before  
16 a jury of 12 adult residents of Wyoming who would be selected,  
17 seated there in the jury box and would serve as judges of the  
18 facts of your case. At trial, you would be presumed innocent,  
19 and I would tell the jury early on that you are presumed  
20 innocent of any wrongdoing. The Government would have the  
21 burden of proving your guilt beyond a reasonable doubt. It  
22 would be the obligation of the Government, if it could, through  
23 its witnesses and evidence to prove its case beyond a  
24 reasonable doubt. Throughout your trial, you would have the  
25 right to be assisted by Ms. Hucke for your defense appointed by

1 the court if necessary. She would be with you at trial and  
2 every other stage of the proceedings.

3 You would have the right to see and hear the  
4 witnesses and the evidence against you, and to have her cross  
5 examine or question the witnesses who would appear against you  
6 in your defense.

7 You would have the right on your own part not to  
8 testify to decline to testify; that is, to testify under oath  
9 from the witness stand in your defense; however, you have the  
10 right to testify should you choose to do so voluntarily in your  
11 own defense.

12 You would have the right to compel the attendance of  
13 witnesses to testify in your defense. Ms. Huckle would apply  
14 for subpoenas to be issued by the court at public expense, and  
15 I would usually grant those motions unless there was some very  
16 good reason not to. Subpoenas would be issued compelling  
17 witnesses to come forward and provide any testimony that they  
18 might have in your defense.

19 Any questions so far?

20 THE DEFENDANT: No, Your Honor. I give up that right  
21 to a trial.

22 THE COURT: Do you further understand that should you  
23 decide not to testify or present any evidence, the fact of your  
24 silence cannot be commented upon by the Government as part of  
25 their arguments or trial, nor may the jury in any manner

1 consider that in its deliberations. Do you understand that?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: And do you further understand that by  
4 entering a voluntary plea of guilty, if that plea is accepted  
5 by the court, there will be no trial. You will be deemed to  
6 have waived or given up your right to a trial as well as those  
7 other rights that have been discussed and are associated with  
8 trial.

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Very well. I am going to proceed now  
11 with the re-arraignment unless you have some objection.

12 THE DEFENDANT: No objection, Your Honor.

13 MS. HAMBRICK: If I could briefly interrupt? I just  
14 wanted to clarify there was also an agreement that the  
15 defendant agrees to forfeit the Gateway laptop computer that  
16 was involved in the commission of the offense.

17 THE COURT: Right. I noticed that.

18 The nature of the charge in this matter is attempted  
19 receipt of child pornography in violation of Title 18 United  
20 States Code Section 2252(a). The pertinent statute states as  
21 follows, "any person who knowingly receives or distributes any  
22 child pornography that has been mailed or using any means or  
23 facility of interstate or foreign commerce, shipped or  
24 transported in or effecting interstate or foreign commerce by  
25 any means including by computer shall be fined under this title



1 and imprisoned not less than 15, nor more than 40 years."

2 Now, the charge in this matter reads as follows,

3 "On or about September 28, 2018, in the District of Wyoming,  
4 the defendant Daniel Aaron Koch knowingly received and  
5 attempted to receive child pornography as defined by Title 18  
6 United States Code Section 2256(a)(8)(a) that had been mailed,  
7 shipped and transported using a means and facility of  
8 interstate commerce; namely, the defendant received and  
9 attempted to receive an image of a child engaged in sexually  
10 explicit conduct via the internet and cellular phone telephone  
11 network in violation of 18 United States Code Sections 2252(a)  
12 subparagraph (a)(2)(a) and subparagraph (b)(1)."

13 Child pornography is defined under Section 2256()(a)  
14 as, "Any visual depiction including any photograph, film,  
15 video, picture or computer -- or computer-generated image or  
16 picture whether made or produced by electronic, mechanical or  
17 other means of sexually explicit conduct where a production of  
18 such visual depiction involves the use of a minor engaging in  
19 sexually explicit conduct." And "sexually explicit conduct"  
20 means "graphic intercourse including genital to genital, oral  
21 genital, anal genital, oral anal, whether between persons of  
22 the same or opposite sex, or simulated sexual intercourse where  
23 the genitals, breasts or pubic area of any person is  
24 exhibited."

25 If this matter had gone to trial, the Government

1 would have the burden of proving each of these elements beyond  
2 a reasonable doubt: First, that the offense occurred on or  
3 about September 28, 2018." The "on or about" language simply  
4 means the Government doesn't know precisely, but a date  
5 reasonably near September 28, 2018; which probably represents  
6 the date that the Government was able to make an arrest in this  
7 matter and develop information your possession of child  
8 pornography.

9 Second, the offense occurred in the District of  
10 Wyoming. Well, the District of Wyoming is significant for two  
11 reasons: Not only does the offense allegedly occur in Wyoming,  
12 but you are standing in front of a Wyoming Federal Court in  
13 Wyoming. It selects the forum where the case is heard, and  
14 also the jurors who would hear the case are adult residents of  
15 Wyoming. The third element is that you are Daniel Aaron Koch,  
16 the person identified in the indictment. And the fourth  
17 element really can be divided up a little bit. First of all,  
18 that you acted knowingly. You knew what you were doing. You  
19 acted voluntarily, not because of any accident, mistake or any  
20 other innocent reason. Second, that you received or attempted  
21 to receive child pornography as I have given you the  
22 definition. That child pornography had been in and effecting  
23 interstate commerce by any means including by a computer in  
24 this case, by computer or cellular telephone, and it was  
25 received in this matter or in this matter of a child engaged in

1 sexually explicit conduct via computer, the Internet and a  
2 cellular telephone network. Do you understand the nature of  
3 the charge?

4 THE DEFENDANT: Yes, Your Honor, I do.

5 THE COURT: I will ask you your plea at this point.  
6 Daniel Aaron Koch, to the charge that you violated pertinent  
7 statutes prohibiting the receipt and attempted receipt of child  
8 pornography, how do you plead? Guilty or not guilty?

9 THE DEFENDANT: Guilty.

10 THE COURT: Are you pleading guilty voluntarily of  
11 your own free will?

12 THE DEFENDANT: Yes, I am.

13 THE COURT: Has anyone forced you to plead guilty?

14 THE DEFENDANT: No, Your Honor.

15 THE COURT: No threats of coercion or violence?

16 THE DEFENDANT: None.

17 THE COURT: Other than the plea agreement in this  
18 matter, have any special promises, favor or lenience to induce  
19 you to plead guilty?

20 THE DEFENDANT: No, Your Honor.

21 THE COURT: Are you pleading guilty because are, in  
22 fact, guilty?

23 THE DEFENDANT: Yes, I am.

24 THE COURT: Ms. Hucke, how did you wish to handle the  
25 factual basis?

1 MS. HUCKE: I would like to elicit the factual basis  
2 from Mr. Koch.

3 THE COURT: I will let you try, and if Ms. Hambrick  
4 has some follow-up, she will follow up, and I will follow up.

5 MS. HUCKE: Thank you.

6 Mr. Koch, on or about September 28, 2018, were you in  
7 Gillette, Wyoming?

8 THE DEFENDANT: I was.

9 MS. HUCKE: And on or about that date, did you  
10 attempt to receive child pornography?

11 THE DEFENDANT: I did.

12 MS. HUCKE: And by attempting to receive, did you use  
13 a file sharing network?

14 THE DEFENDANT: Yes, I did.

15 THE COURT: And did you also use the Internet?

16 THE DEFENDANT: Of course. Yes, ma'am.

17 MS. HUCKE: And when I say "child pornography," are  
18 you aware that these images contained people under the age of  
19 18?

20 THE DEFENDANT: Yes.

21 MS. HUCKE: Who were engaged in sexually explicit  
22 activity?

23 THE DEFENDANT: Yes.

24 MS. HUCKE: I have no further questions, Your Honor.

25 THE COURT: Did you know what you were doing was

1 wrong?

2 THE DEFENDANT: I did, Your Honor.

3 MS. HAMBRICK: I don't have any follow-up, Your  
4 Honor.

5 THE COURT: Very well.

6 It is the finding of the Court in the case of the  
7 United States of America against Daniel Aaron Koch that  
8 Mr. Koch is fully competent and capable of entering an informed  
9 plea in this case. Mr. Koch is aware of the nature of the  
10 charges and the consequences of the plea, and that the plea of  
11 guilty is made knowingly and voluntarily independent basis of  
12 fact containing his admissions that contain each of the  
13 essential elements of the offense. His plea to Count 2 is,  
14 therefore, accepted, and he is adjudged guilty of that offense.

15 There is also a forfeiture notice contained in the  
16 indictment alleging pursuant to Title 18 United States Code  
17 Section 2253 that the Government upon application may seek  
18 forfeiture of those items that were used in connection with the  
19 violation. Section 2243, a person that is convicted of an  
20 offense, as you have been, under this chapter involving visual  
21 depiction described in Section 2252(a), which is the charge  
22 here or who is convicted of an offense under other sections of  
23 "any visual depiction described in the pertinent statute,  
24 forfeiture of any property real or personal, intended or used  
25 to commit or promote commission of such offense or traceable to

1 such property." Do you understand?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Do you admit that the Government is  
4 entitled to forfeit the property?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: I'm not seeing any particular property  
7 that is listed, but there is a list of generic property  
8 contained in the indictment. It would be "the visual  
9 depictions and items that were contained, and then any real or  
10 personal, constituted or traceable to gain those profits or  
11 other proceeds obtained from the offense"; third, any property  
12 real or personal used or intended to be used to commit or to  
13 promote commission of the offense.

14 Do you understand?

15 THE DEFENDANT: Yes. My understanding is that would  
16 be the Gateway laptop that Ms. Hambrick referred to.

17 THE COURT: Do you agree?

18 MS. HAMBRICK: That's correct. That is the only  
19 property that we'll be forfeiting.

20 THE COURT: Very well.

21 You will be contacted almost immediately following  
22 this proceeding by Ms. Danni who will make arrangements to  
23 obtain releases from you to obtain information and begin the  
24 process over the next 45 days of preparing that presentence  
25 investigation report which you will receive through your

1 attorney. I see that you are confined and have been for a  
2 lengthy period of time at this point. I suspect you are over  
3 at Scottsbluff?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: How are you doing?

6 THE DEFENDANT: Cold. It has heating issues over  
7 there recently, but it is as good as can be expected.

8 THE COURT: Are you able to take advantage of any of  
9 the programs there?

10 THE DEFENDANT: I was under the understanding that I  
11 could not take any programs, because I am a federal case, Your  
12 Honor. That may have been misinformation that was given to me,  
13 but I don't know.

14 THE COURT: Things have changed considerably.

15 John, what is going on out there?

16 MR. GOODMAN: I believe the defendant is misinformed.  
17 There is no reason at all that federal defendants that are  
18 housed in Scottsbluff County Detention Center cannot  
19 participate in programs. He may want to follow up on that or  
20 have his attorney follow up with whatever program he would like  
21 to enroll in.

22 THE COURT: He may not. Ms. Hucke would be the  
23 person to find out, and we will -- she will look into it when  
24 she gets a chance to be over in that area and visit with you.

25 THE DEFENDANT: Thank you, Your Honor.



1 THE COURT: See what you might be interested, because  
2 it will help pass the time.

3 All right. We might need a time for the next  
4 sentencing hearing in this matter?

5 COURTROOM DEPUTY: Sentencing is set for April 25th  
6 at 9:30.

7 MS. HAMBRICK: And, Your Honor, I anticipate there  
8 may be some contested guideline issues, and so I am  
9 anticipating perhaps some testimony from an agent, so I don't  
10 know if we need to allow just -- I think it may take a little  
11 bit longer than one hour.

12 THE COURT: All right. We should note we are looking  
13 at more than one hour.

14 MS. HAMBRICK: Thank you.

15 THE COURT: Let's leave it. I think we'll be all  
16 right.

17 All right. Any other matters to be brought before  
18 the Court at this point?

19 MS. HUCKE: No, Your Honor. Thank you.

20 THE COURT: Very well.

21 Let me ask again, Mr. Koch, do you have any  
22 questions?

23 THE DEFENDANT: No, Your Honor.

24 THE COURT: Very well. We'll stand in recess.

25 (Proceedings concluded February 14, 2019; 12:09 p.m.)

C E R T I F I C A T E

I, MONIQUE GENTRY, Federal Official Court  
Reporter for the United States District Court for  
the District of Wyoming, a Registered Professional  
Reporter, Certified Shorthand Reporter, do hereby  
certify that I reported by machine shorthand the  
foregoing proceedings contained herein on the  
aforementioned subject on the date herein set forth,  
and that the foregoing 29 pages constitute a full,  
true and correct transcript.

Dated this 23rd day of June, 2019.

/s/ Monique Gentry

MONIQUE GENTRY

Registered Professional Reporter  
Certified Shorthand Reporter  
United States Court Reporter



1 (Proceedings commenced Monday, April 22, 2019; 9:35 a.m.)

2 THE COURT: Thank you. Please, be seated. The  
3 matter this morning for hearing is on a sentencing proceeding  
4 in the matter of United States of America, Plaintiff, against  
5 Daniel Aaron Koch, Defendant. This matter comes before the  
6 Court under Docket 18-CR-167.

7 Mr. Koch has been convicted of receipt of child  
8 pornography in violation of Title 18 United States Code  
9 Sections 2252(a) subparagraph (a)(2)(A) and (b)(1).

10 Representing the Government today and standing in for  
11 Stephanie Hambrick is Timothy Forwood, Assistant United States  
12 Attorney. The defendant is present and represented here by  
13 Tracy Hucke, Federal Public Defender.

14 Is the Government ready to proceed?

15 MR. FORWOOD: We are, Your Honor.

16 THE COURT: Very well.

17 MR. FORWOOD: May it please the Court?

18 THE COURT: Mr. Forwood.

19 MR. FORWOOD: Counsel.

20 Your Honor, as stated, we are here for sentencing  
21 regarding Daniel Aaron Koch. The defendant was charged with  
22 one count of possession of child pornography and one count of  
23 receipt of child pornography. Pursuant to the plea agreement,  
24 which essentially just agreed to the reduction in three levels  
25 for acceptance of responsibility, the defendant pleaded guilty

1 to receipt of child pornography. Due to a prior offense, his  
2 sentence is no less than 15 years and up to 40 years  
3 imprisonment, five years to life of supervised release and a  
4 \$250,000 fine.

5 The defendant's base offense level begins at level  
6 22. He receives a two-level increase for the material  
7 containing images of a prepubescent minor, another two-level  
8 increase for sending child pornography, a four-level increase  
9 because some of the material contained sadistic and masochistic  
10 conduct; five-level increase for the amount -- for the  
11 defendant engaging in a pattern of activity. This, again, is  
12 due to his prior 2004 offense; a two-level increase for the use  
13 of a computer -- though, the United States typically asks that  
14 that section not apply; an additional five-level increase for  
15 the amount of images being more than 600, so a five-level  
16 increase there.

17 This results in an adjusted offense level of 42.  
18 After acceptance of responsibility down to 39, and the  
19 Government would request an additional two-level reduction to  
20 remove the computer enhancement.

21 This, Your Honor, results in a guideline sentence of  
22 235 months to -- I believe it is 295, if memory serves me  
23 correctly -- yes. Sorry -- 235 to 293 months, Your Honor.  
24 The Government will make a brief argument later on, if that is  
25 suitable to the Court, but the Government does believe that a

1 sentence on the low end of that guideline is the appropriate  
2 sentence. Thank you.

3 THE COURT: Very well.

4 Ms. Huckle?

5 MS. HUCKE: Thank you, Your Honor. We have had the  
6 opportunity to go over the presentence investigation report,  
7 Mr. Koch and I. We have no additional objections at this time.  
8 We have come to a stipulation with the Government as far as  
9 restitution, so -- I was provided all of the additional  
10 documentation, so I will withdraw that objection at this time.

11 The stipulation is \$2,000 per victim. And as stated  
12 in the PSR, there are seven victims that have requested  
13 restitution. The total amount would be \$14,000.

14 THE COURT: Very well.

15 Government agrees, I assume?

16 MR. FORWOOD: We do, Your Honor. I should have said  
17 that before.

18 THE COURT: I will note that I received a sentencing  
19 statement prepared by Ms. Huckle in this case, and attached to  
20 it is an E-mail from a highway patrolman, I believe, concerning  
21 an act of assisting a woman who was trapped in her vehicle; a  
22 letter from Frank Hall, a friend of Fort Wayne, Indiana; a  
23 letter from Kit Leslie and Rachel Anderson. Mr. Anderson  
24 indicates that he has known the defendant for a number of years  
25 and that the defendant has associated with the family and

1 without incident, and there is a friendship there; a letter  
2 from David -- Darrel Poindexter, who is a friend for 25 years  
3 with the defendant in this matter. I don't think there are any  
4 other letters. That is everything I have.

5 MS. HUCKE: That's correct, Your Honor.

6 THE COURT: Mr. Koch, please, come forward with your  
7 counsel.

8 Please raise your right hand the best you can.

9 (Defendant was sworn.)

10 THE COURT: Please, state your name for the record.

11 THE DEFENDANT: Daniel Aaron Koch.

12 THE COURT: And your age?

13 THE DEFENDANT: Forty-two.

14 THE COURT: Are you under the influence of any drug,  
15 alcohol, pill or medication today?

16 THE DEFENDANT: Just Lisinopril, Your Honor.

17 THE COURT: Is there any physical or mental  
18 conditions that you are aware of that would interfere with your  
19 understanding of what is happening?

20 THE DEFENDANT: No, Your Honor.

21 THE COURT: Have you been able to confirm with  
22 counsel concerning your sentencing in this case?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Are you satisfied with the work that she  
25 has been doing for you?

1 THE DEFENDANT: Yes, I am, Your Honor.

2 THE COURT: I have a revised presentence  
3 investigation report that was created after Ms. Hucke submitted  
4 objections; namely, to the names of relatives -- close  
5 relatives which have now been corrected in the revised  
6 presentence investigation report.

7 Are there any further objections to the presentence  
8 investigation report as a matter of fact or law in this matter?

9 MS. HUCKE: No, Your Honor.

10 THE COURT: Very well. Having reviewed the revised  
11 presentence investigation report with counsel, are you  
12 satisfied that you understand it, Mr. Koch?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: How would you like to proceed?

15 MS. HUCKE: We are prepared to go forward with -- to  
16 supplement our sentencing argument if the Court would like?

17 THE COURT: Please.

18 MS. HUCKE: As I know the Court has had the  
19 opportunity to review the sentencing statement, I do apologize  
20 for the late filing. There was a calendering mistake, so I  
21 didn't want to put anybody in any tough position this morning,  
22 so I do apologize for that. I won't reiterate the argument  
23 with this particular set of guidelines, but I really think it  
24 has been very enlightening me for in just doing the research  
25 comparing them to other set of guidelines, and I think it is --



1 they really are not -- it is more politically based, not based  
2 on empirical evidence. It is very similar to the use of  
3 computer enhancement, which this district has recognized that  
4 is really part and partial for the nature of this offense for  
5 this time and age. I think it also -- the other enhancements  
6 go in line with that, as well; that most, if not all, of these  
7 cases involve many images. Especially when a video is 75  
8 images, it really brings the number up to 600 very quickly as  
9 well as the types of images. I think that is something for the  
10 Court to consider when looking at the guideline range in this  
11 case.

12 For Mr. Koch, he realized that he does have a prior  
13 offense and that does increase his mandatory minimum by 10  
14 years as to what people normally facing this offense that don't  
15 have a prior charge or conviction are facing. So I think that  
16 his prior conviction is really already built into the mandatory  
17 minimum. And a 15-year sentence is an extremely lengthy  
18 sentence, so that is why we ask the Court to accept our  
19 recommendation and sentence him to the mandatory minimum of 180  
20 months.

21 And also, Your Honor, I was happy to receive the  
22 letters from Mr. Koch's friends. I think it is very  
23 enlightening that he has had these relationships for a long  
24 time, and everyone describes him as a caring, selfless friend  
25 who is willing to drop what he is doing and help them at any

1 time. Then when we really see the accident, I think that is  
2 another indication that really shows the other side of  
3 Mr. Koch; that he was willing to stop and really put his life  
4 at risk and help the woman -- try to attempt to get her out of  
5 her burning vehicle. He did that without a second thought not  
6 knowing that there would be any accolades that came from that  
7 incident. And honestly now having dealt with it afterward,  
8 there has been a fair amount of trauma to him that that was a  
9 traumatizing event having to help the woman, but I really think  
10 that that shows the Court who Mr. Koch is. I think for him it  
11 has been good for him seeing these letters, because when you  
12 are facing such a lengthy sentence, I think there is a tendency  
13 to just give up on your life and relationships. Now he has  
14 realized that these people are still here for him. He still  
15 has a support system that he can continue to engage with them  
16 and foster those relationships. I just think that that was  
17 enlightening.

18 He would ask that he have a designation in Sheridan,  
19 Oregon. It will be close to his sister, so he will be able to  
20 have some family contact. As well as we do, as I previously  
21 mentioned, have a stipulation as far as restitution for \$2,000  
22 per victim. There are seven, so the total would be \$14,000.  
23 With all of that, Your Honor, we do think a mandatory minimum  
24 sentence in this case is appropriate, and we would ask that the  
25 Court grant our recommendation.

1 THE COURT: Thank you. Mr. Koch, you are certainly  
2 entitled to speak at this time, and I would pleased to hear  
3 from you.

4 THE DEFENDANT: I understand that and agree that I  
5 have done many wrong things. I have done horrible actions that  
6 nobody should ever do. My thinking at the time was erroneous,  
7 and I didn't think about the victims themselves. I thought  
8 that it was a petty act of no consequence, and that really was  
9 entirely wrong. My actions have betrayed the trust of my  
10 family and friends who are dear to me. Have made me feel less  
11 than I am. I am so shamed. I am not dealing with my  
12 own past issues. It has given me the wherewith all to stand  
13 up and say, "Yes. I have done these things. I am still a man,  
14 and I am still -- have something left to give in this world."  
15 I only ask for the opportunity to do so. Thank you.

16 THE COURT: Mr. Forwood?

17 MR. FORWOOD: Thank you, Your Honor. The Government  
18 has read Ms. Huckle's sentencing memorandum. I have reviewed  
19 the PSR. I just recently inherited this case for lack of  
20 better terms. A couple of comments, Your Honor, are regarding  
21 the objection to the enhancements and asking for a mandatory  
22 minimum, I have seen this sentencing memorandum and other  
23 sentencing memorandums recently, and the view of the Government  
24 is that not all sentences can or should be based on empirical  
25 data. Sometimes, it is -- you have to see what information we

1 have. These child pornography cases, there are certain things  
2 we can point to. What is the nature of these images? Here,  
3 there is a four-point enhancement for the sadomasochistic.  
4 Sometimes we also see it for infant conduct. That is a  
5 different type of image, Your Honor, that should be dealt with  
6 more seriously. Images of the prepubescent child should also  
7 be dealt with more seriously.

8 And what happens, Your Honor, is that if we just  
9 disregard those, there are situations in which we charge  
10 individuals who don't have those enhancements, and they don't  
11 have as high a guideline. It -- what it does is that it  
12 minimizes what -- their conduct. It makes them all equal. The  
13 amount of images, Your Honor, that is another one we see quite  
14 a bit. It does not take much to get above the 600 image  
15 threshold and add that five-point enhancement. What we are  
16 also seeing in our child exploitation cases nowadays, Your  
17 Honor, is we are not finding the images that we used to.  
18 There is not a need to store them. Individuals can acquire  
19 these images and delete them right away. They can put them  
20 on thumb drives and throw away the thumb drives. And they can  
21 look at images on the Internet, and never have a need to  
22 download it, and there will be never be a trace on their  
23 computer.

24 What is highly concerning is that on phones if they  
25 look at it on their phone, and they close out of that

1 application, there will never be a trace of that. It is  
2 becoming more and more difficult to discover this.

3 But the Government does take other things into  
4 account; hence, why we do not ask for that two-point  
5 enhancement to apply in cases of the use of a computer in cases  
6 like this. If it is a more complicated matter, we might. But  
7 in this situation, we don't. We do look at those  
8 circumstances. And each of those points, I believe, are added  
9 for reasons.

10 In this situation, Your Honor, this defendant  
11 guidelines incredibly high, but, again, there is reason for  
12 that. His prior offense is concerning. It was a sexual  
13 assault of a minor child. And here we have now the defendant  
14 looking at images of small children again sadomasochistic  
15 conduct. That is concerning especially considering his past.  
16 In other cases, defense counsel might ask for a psychosexual  
17 evaluation to see if there is a risk of recidivism as well as  
18 the possibility of a hands-on offense. Defense did not get one  
19 in this situation for good reason, Your Honor, because when you  
20 look at the past, and you look at the present conduct of that  
21 pending charge in Gillette, this defendant is a concern for our  
22 community. He should be punished adequately, Your Honor. We  
23 do believe a guideline sentence of 235 months will accomplish  
24 that.

25 THE COURT: The Court adopts the recommendation of

1 the United States in this matter and finds that the total  
2 offense level is 37, and the Criminal History Category is II as  
3 determined by the United States Probation Officer. This  
4 determination is all made pursuant to the local policy that  
5 recognizes that the use of a computer is so common as to really  
6 not amount to an enhancement at this point.

7 When the Court looks at these cases, of course, it  
8 must take into consideration the provisions of Title 18 United  
9 States Code Section 3553(a) and all that follows. In this  
10 case, the defendant comes to the court with a prior hands-on  
11 conviction, and some problems with regard to serving that  
12 sentence and the period of supervision that followed that  
13 sentence in that there was a revocation issue. He was sent  
14 back for an additional period of incarceration. As I recall  
15 when this case came before the court, there was some delay in  
16 that the Federal Public Defender was attempting to achieve a  
17 global settlement of a pending state court matter in Wyoming,  
18 also involving a hands-on allegation anyway that involved a  
19 15-year-old girl, and that matter, as I understand it, has not  
20 resolved and still remains pending at this point. There are no  
21 objections to the presentence investigation report, and the  
22 Court will adopt them.

23 It is difficult to know, and we don't know to a  
24 certainty of what leads an individual as expressed here by  
25 Mr. Koch into this kind of abuse; whether it is early incidents

1 of abuse that may have occurred imposed upon him or an early  
2 sexual experience that creates this interest or possibly other  
3 influence of other bad injuring event that occurred in his life  
4 that are playing out with these kinds of issues. Nevertheless,  
5 here, he is a man in his middle years coming to the court and  
6 acknowledging finally as is appropriate that he realized that  
7 there are real victims in these offenses. And I think the  
8 Federal Public Defender has received the background information  
9 on these individuals, these persons who have been abused and  
10 whose images are preserved and put out there on the Internet.  
11 I have considered the arguments that have been made in this  
12 matter recognizing that there is in other cases an analysis of  
13 the guideline in this particular offense that is highly  
14 critical of it. I was thinking the comments by Judge Gleason,  
15 the district judge in New York, and the recognition that is  
16 brought to this court frequently by the Federal Public Defender  
17 that the offense in this -- the guideline in this area is  
18 largely one that was created by congressional influence without  
19 significant background, but we do have a defendant before the  
20 court who does have a hands-on offense and is presently  
21 charged -- or I don't know what the status of that is -- with a  
22 hands-on event that is more recent, and this history, which is  
23 very, very concerning to the court. All offenders are, or at  
24 least most offenders, who come before the court, are not -- you  
25 can't say all bad or all good. Every human being is made up of

1 various motivations, and it is clear that Mr. Koch has been a  
2 friend to others and has had entirely worthwhile inclinations  
3 in his life in that he tried to save a lady in a burning car  
4 which represented substantial danger to him, and certainly a  
5 very shocking and unpleasant incident.

6 This is one of those cases where I feel not so much  
7 from the standpoint of untoward depreciation of the seriousness  
8 of the offense, but this a case for a sentence that talks about  
9 removal for a period of time based upon history and pending  
10 charges.

11 I don't know, and we don't know at this point how a  
12 person can ever be rehabilitated from these charges from this  
13 conduct. I think there are sex offense classes and so forth,  
14 but I don't have any good statistics as to how effective they  
15 are.

16 Mr. Koch is 42 years old. This is his second felony  
17 offense; has a prior conviction of child molestation and  
18 paroled in 2010, and discharged from that parole in 2011.

19 He is a person who is under investigation for  
20 hands-on sexual offense of a 15-year-old girl. Defendant was  
21 raised in a dysfunctional family environment. His parents were  
22 divorced when he was young. He resided in that family until  
23 high school. He had a brief stint in the military. Discharged  
24 under other than honorable conditions of as a result of what he  
25 says was family issues involving his young wife at that time.



1 He is a person who has earned a college degree, secured  
2 employment, and maintained employment, which is chalked up to  
3 in part, the prior offense and being required to register as a  
4 sex offender. He has fathered four children by two different  
5 women, and possibly a fifth child of which we know little. He  
6 comes before the court showing signs of depression. It is not  
7 surprising a person in his situation would face that.

8 Pursuant to the Sentencing Reform Act of 1984 and  
9 having considered those factors in Title 18 United States Code  
10 Section 3553(a), it is the judgment and sentence of the court  
11 that the defendant Daniel Aaron Koch is hereby sentenced to a  
12 term of 240 months in custody of the Bureau of Prisons.

13 Upon his release from imprisonment, he shall be  
14 placed on supervised release for 10 years. And within 72 hours  
15 of release, he shall report in person to the probation office  
16 in the district to which he is released. While on supervised  
17 release, he shall comply with the mandatory and standard  
18 conditions that have been adopted by this court, except the  
19 mandatory drug testing requirement is waived.

20 The probation officer will provide state officials  
21 with any and all information required by the state Sex Offender  
22 Registration Agency and may direct the defendant to report to  
23 that agency personally for additional processing such as  
24 photograph and fingerprints.

25 In addition, due to the nature of offense of

1 conviction, conditions are recommended to address his risk of  
2 sexually deviant behavior. These include monitoring of  
3 computer use, sex offender registration, restrictions on  
4 associations with minor children and vulnerable adults,  
5 polygraph testing and sex offender treatment.

6 Given the nature and extent of his criminal history,  
7 a condition is imposed to address cognitive thinking errors.  
8 The nature of sex crimes and the need to address officer safety  
9 justifies a search condition.

10 These are the special conditions: First, Mr. Koch  
11 shall not access the Internet with any device unless such  
12 device has filtering software installed which has been approved  
13 by the probation officer. He shall not make any attempt to  
14 conceal or erase the names of sites visited. And it shall be  
15 configured -- any computer shall be configured to retain  
16 history for at least 30 days; second, Mr. Koch shall not  
17 possess, send or receive any pornographic, sexually oriented,  
18 or sexually stimulating visual, auditory, telephonic or  
19 electronic signs, signals or sounds from any source unless part  
20 of a treatment regimen. He shall not visit bulletin boards,  
21 chat rooms or other Internet sites where any pornographic,  
22 sexually oriented or sexually stimulating images or messages  
23 are discussed. He shall not send or receive E-mail or other  
24 documents discussing any pornographic, sexually oriented or  
25 sexually stimulating images or messages. Third, Mr. Koch shall

1 not use or possess any computer not authorized by the probation  
2 officer; shall consent to having installed on his computer or  
3 computers at his own expense any hardware or software systems  
4 to monitor computer use. Defendant may be limited to  
5 possessing only one personal Internet capable device to  
6 facilitate effective monitoring of his Internet-related  
7 activities, and shall consent to the probation officer  
8 conducting periodic unannounced examinations of his computer's  
9 hardware and other electronic devices, which may include  
10 retrieval and copying of all data from his computers. This  
11 also includes the removal of such equipment, if necessary, for  
12 the purpose a conducting a more thorough inspection or  
13 investigation. He will sign the forensic intake agreement that  
14 will be provided by the probation officer. A computer is  
15 defined by Title 18 United States Code Section 1030(e).

16 Fourth, Mr. Koch shall participate in and  
17 successfully complete sex offender treatment in a program  
18 approved by the probation officer, complying with the rules,  
19 requirements and conditions of the treatment program, and shall  
20 not discontinue treatment without permission of the probation  
21 officer.

22 Fifth, he shall be required to commit to periodic  
23 polygraph testing to assure that he is in compliance with the  
24 requirements of his supervision or treatment program.

25 Sixth, he shall not associate with children under the

1 age of 18 or mentally or physical vulnerable adults, except in  
2 the presence of a responsible adult who is aware of the nature  
3 of the defendant's offense and who has been approved by the  
4 U.S. Probation Officer.

5 Seventh, Mr. Koch shall register with the state  
6 registration agency in any state, and shall be in compliance  
7 with the requirements of that local law. This would apply in  
8 any place where he may reside, may be employed, carries on a  
9 vocation or may be a student as directed by the probation  
10 officer.

11 Eight, I order an explicit condition of supervised  
12 release for the defendant to register under the Sex Offender  
13 Registration and Notification Act; that he submit his person  
14 any property, storage facility, office, residence, house,  
15 vehicles, papers, computers or other electronic communications  
16 or data storage devices or media to be searched at any time  
17 with or without a warrant by any law enforcement or probation  
18 officer with reasonable suspicion concerning a violation of a  
19 condition of supervised release. Those who live with him need  
20 to be advised of these search conditions.

21 Nine, Mr. Koch shall participate in a cognitive  
22 behavioral treatment regimen as directed by his probation  
23 officer. Restitution is mandatory and is ordered in the sum  
24 of \$2,000 for each of the seven victims in this matter. And  
25 the names are listed in the presentence report of where those

1 payments will be sent by the Clerk of Court's office.

2           The Court finds that the defendant is unable to pay  
3 the \$5,000 for Victims of Trafficking Act and waives that  
4 assessment. I find further that the defendant does not have  
5 the ability to pay a fine in addition to restitution, so no  
6 fine is ordered. It is ordered, however, that the defendant  
7 shall pay a special assessment fee in the amount \$100, which  
8 shall be due immediately. Payments for monetary obligations  
9 including restitution shall be made by cashier's check or money  
10 order to the Clerk of the District Court, 2120 Capitol Avenue,  
11 Suite 2131, Cheyenne, Wyoming 82001. The defendant shall  
12 participate in the Inmate Financial Responsibility Program to  
13 pay all of his monetary obligations immediately. While  
14 incarcerated, he shall make payments of at least \$25 per  
15 quarter. Any amount not paid immediately through the Inmate  
16 Financial Responsibility Program shall be paid commencing 60  
17 days after his release and not less than 10 percent of gross  
18 monthly income. All monetary payments should be satisfied not  
19 less than 60 days prior to the expiration of the term of  
20 supervised release.

21           Defendant has not waived his right to appeal as a  
22 condition of his plea agreement. I advise him that he has  
23 14 days following entry of the judgment to file a notice of  
24 appeal with the Clerk of Court's office. Should he decide not  
25 to do that or be late, that could have a bad impact upon any

1       desire to appeal.

2               Does the Government move to dismiss Count 1?

3               MR. FORWOOD: We do, Your Honor.

4               THE COURT: Count 1 is dismissed. The Court  
5 recommends that the defendant be placed or designated to the  
6 institution in Sheridan, Oregon, which is located close to  
7 where one of his sisters resides and would afford a place for  
8 him to -- some contact with family.

9               Anything further?

10              MR. FORWOOD: No, Your Honor.

11              THE COURT: Have I forgotten anything, Ms. Danni?

12              PROBATION: No, Your Honor.

13              MS. HUCKE: Your Honor, if I may, I would just -- I  
14 would object to the Court using any information to weigh the  
15 sentencing recommendation on those pending allegations. As the  
16 Court is aware, early on, we did look into the possibility of a  
17 global agreement, and I have discussed that with Mr. Koch, but  
18 he does maintain his innocence with those allegations. And as  
19 the -- I don't believe they have even been charged yet. As far  
20 as I know, they are just pending. And so he is and he  
21 maintains innocent at this time. I would object to the Court  
22 using that information in weighing a sentence recommendation.

23              THE COURT: It is not weighed into the sentencing  
24 calculation on the Court, but I note that there are pending  
25 issues out there today of a hands-on offense. The calculation

1 was done by the probation officer based upon his prior offense.  
2 If there is nothing further, we stand in recess.

3 (Proceedings concluded April 22, 2019; 10:14 a.m.)  
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C E R T I F I C A T E

I, MONIQUE GENTRY, Federal Official Court  
Reporter for the United States District Court for  
the District of Wyoming, a Registered Professional  
Reporter, Certified Shorthand Reporter, do hereby  
certify that I reported by machine shorthand the  
foregoing proceedings contained herein on the  
aforementioned subject on the date herein set forth,  
and that the foregoing 21 pages constitute a full,  
true and correct transcript.

Dated this 23rd day of June, 2019.

/s/ Monique Gentry

MONIQUE GENTRY

Registered Professional Reporter  
Certified Shorthand Reporter  
United States Court Reporter